

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

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|-------------------------|---|--------------------------------|
| Augustus Simmons Enoch, |) | |
| |) | |
| Plaintiff |) | Case No. 1:19-cv-00026 |
| |) | |
| vs. |) | |
| |) | HON. RICHARD A. LANZILLO |
| David Perry, et al., |) | UNITED STATES MAGISTRATE JUDGE |
| |) | |
| Defendants |) | |
| |) | ORDER ON PLAINTIFF'S MOTION TO |
| |) | COMPEL (ECF NO. 144) |
| |) | |

Pending before the Court is Plaintiff Augustus Simmons Enoch's (Simmons) Motion to Compel, docketed at ECF No. 144. A hearing on this motion was conducted on June 7, 2021. After hearing argument from the Plaintiff and counsel on the motion, the Court orally granted Simmons' motion, in part, and denied the motion, in part. This **ORDER** memorializes the Court's ruling as follows:

1. Simmons' motion is **GRANTED** insofar as it seeks production of video evidence of the events of September 26, 2018. To the extent any video evidence relating to the indictment that took place on September 26, 2018 exists, the Department of Corrections Defendants are directed to produce a copy for Simmons' inspection and/or viewing within ten days of the date of this order. Counsel for the Department of Corrections Defendants, Abby Trovinger, Esq., is further directed to file a Notice on the docket indicating either that the video evidence has been provided or that no such evidence exists within ten days of the date of this order.
2. To the extent that Simmons seeks production of the contract between the Pennsylvania Department of Corrections and its food services provider (identified by Simmons as "Aramark" at the hearing), the motion is **DENIED**. As the Court explained,

the request is largely irrelevant to the disposition of the remaining claims and is disproportionate to the needs of this case.

3. To the extent Simmons' motion seeks the Department of Corrections' production of his updated medical records, the motion is **DENIED** as **MOOT**. Counsel for the Medical Defendants, Samuel H. Foreman, Esq., stated at today's hearing that he would provide, with the exception of any mental health records, Simmons with updated copies of his records. Counsel further indicated that he would mail said records to Simmons via the DOC's Smart Communication system and would also attempt to have the records mailed or hand-delivered directly to Simmons at his institution of record. Thus, Simmons' motion seeking production of these records is rendered moot by Counsel's proffer. Counsel is directed, however, to file a Notice on the docket in this case indicating the date these records were sent to Simmons.

So ordered this 7th day of June, 2021.



RICHARD A. LANZILLO
United States Magistrate Judge